REMARKS

Claim 387 is objected to for having insufficient antecedent basis for "the advertisements." Claim 387 has been amended to overcome the objection.

Claims 345, 403, and 411 are objected to for various informalities. These and other claims have been amended to correct typographical errors.

Claim 374 has been cancelled.

Claim 423 has been added.

Prior art Rejections

Claims 308-318, 341-355, and 374-422 are pending, of which claims 308, 347, 380, 406 and 414 are independent claims. All pending claims stand rejected as follows:

- Claims 308-318, 341 -343, 347-355, 374-376, 380, 381, 385-390, and 392-413 stand rejected under 102(e) as being anticipated by Swix et al. (U.S. 6,718,551).

- Claims 344 and 377 stand rejected under 103(a) as being unpatentable over Swix in view of Coleman (U.S. 2002/0026351).

- Claims 345, 346, 378, and 379 stand rejected under 103(a) as being unpatentable over Swix in view of Brown et al. (U.S. 6,751,299).

- Claims 382-384 and 414-422 stand rejected under 103(a) as being unpatentable over Swix in view of Dedrick (U.S. 5,724,521).

- Claim 391 is rejected under 103(a) as being unpatentable over Swix in view of Knee et al. (U.S. 2002/0095676).

Claim 308

Claim 308 recites "binding inventory with advertisements each including additional information pertaining to binding." Swix is cited as anticipating claim 308 in part in column 6, lines 8-24:

> The present invention is a system and method for providing
> targeted advertisements over networked media delivery systems,

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> such as interactive media delivery systems, conventional cable
> television networks, wireless cable television networks, home
> satellite television networks, and other media delivery systems that
> allow duplex communication (perhaps with the return path via a
> separate, e.g., telephone, network) to a set-top box coupled to a
> subscriber's display device, such as a television. As an overview,
> the present invention records the viewing selections of a
> subscriber, compiles the viewing selection data along with other
> available data (e.g., interactive purchasing or questionnaire data),
> analyzes the data to formulate a customer profile, matches the
> customer profile to a demographic group, and displays for the
> customer a bit map or video stream advertisement that is
> customized for the customer or the customer's demographic group.

Even if the Examiner is correct in his characterization that Swix discloses that "the
advertisements are 'bound' according to the customer profile and demographic group or
'additional information pertaining to binding,'" Swix does not anticipate claim 308 since claim
308 requires "binding inventory with advertisements each including additional information
pertaining to binding." Swix may describe displaying an advertisement that is "customized for"
(or "targeted for" or "suitable for") a demographic group, but does not disclose or suggest that
the advertisements (e.g., "bit map or video advertisements") each include additional information
pertaining to binding.

Claim 347

Amended claim 347 recites "a store of advertisements, each of the advertisements
including guidance information; ... and a service binding advertisements to inventory, based at
least in part on the guidance information." With regard to claim 341 which recites that "each
advertisement includes guidance information," the Examiner characterizes Swix as disclosing
that "the advertisements are classified in demographic groups or 'have guidance information'"
and cites column 11, lines 23-33 of Swix:

> The selection of a bit map or video advertisement depends largely
> on the individual customer profile and the library of available
> advertisements. Both the customer profiles and the available
> advertisements are classified in demographic groups. Thus, the

> present invention delivers advertisements classified under a certain
> demographic group to subscribers having customer profiles
> classified under the same demographic group. Preferably, the
> volume of advertisements in the library is large enough to satisfy a
> large number of demographic groups, thereby allowing more
> customized advertisements.

However, this passage of Swix merely describes that the advertisements are "classified under a certain demographic group," and does not disclose or suggest that "each of the advertisements [includes] guidance information," as required by amended claim 347.

Claim 380

Amended claim 380 recites "binding advertising to the inventory according to one or more of instructions, procedures, and software programs associated with the advertising." On pages 15-16 of the office action the Examiner characterizes Swix as disclosing that "the file server within the head end inherently 'imports' and stores advertisements that is classified in certain demographic groups or 'self-guiding advertisements,' wherein the classification of the advertisements is also considered 'one or more information or instruction' used for 'binding the advertisements to the inventory'" and cites (along with column 11, lines 23-33 quoted above) column 7, lines 19-30 of Swix:

> File server 102 stores the display data to be delivered to the
> plurality of set-top boxes 108. File server 102 delivers the data in
> response to subscriber viewing commands and instructions from
> profile processor 104. The display data can be in any form
> compatible with the networked media delivery system. However,
> the preferred forms are text, graphic elements, bit maps, and video
> stream. The content of the display data can be any media program,
> e.g., advertisements, television shows, news, movie trailers,
> movies, or still images, such as advertisement banners. Alternately,
> the display data could be a multimedia presentation.

However, neither passage, including Swix' description of "[delivering] advertisements classified under a certain demographic group to subscribers having customer profiles classified under the same demographic group," describes or suggests "binding advertising to the inventory

according to one or more of <u>instructions</u>, <u>procedures</u>, and <u>software programs</u> <u>associated with the</u> <u>advertising</u>," as required by amended claim 380.

Claim 406

Amended claim 406 recites "mediating handling of content or services from numerous originators" and "maintaining an inventory of opportunities to present advertising during delivery of the content or services to one or more users, including maintaining an inventory of dynamically appearing inventory." With regard to claim 410 (now cancelled) which recites "mediating handling of content or services from numerous originators," the Examiner states:

> Claim 410 contains the limitations of claims 402 and 406 ...
> Regarding claim 402, the head end is controlled by the media
> service provider (See column 4 lines 1-14) that controls the
> distribution of pay-per-view movies inherently from other sources
> or "originators" (See column 11 line 59 – column 12 line 19) and
> the contents of the broadcast streams are inherently from other
> sources or "numerous originators" (See Fig. 5; column 13 lines 10-
> 23).

However, even if, for the sake of argument, the movies and contents of the broadcast streams are assumed to be from numerous originators, Swix does not describe or suggest "mediating handling of content or services from numerous originators" and "maintaining an inventory of opportunities to present advertising during delivery of the content or services," as required by amended claim 406. For example, instead of maintaining an inventory of opportunities to present advertising during delivery of content or services from numerous originators, Swix describes a "playlist advertisement insertion method" that "composes a series of advertisements and a program in response to a subscriber's ordering of the program, e.g., a movie" (column 11, line 59 – column 12, line 19).

Claim 414

Claim 414 recites "mediating the handling of content and services from numerous originators; binding advertising to content and services from at least several of the originators;

and generating reports related to the use of the advertising for communication to the originators of the content and services."

First, Swix does not disclose "binding advertising to content and services from at least several of the originators," but instead describes "[composing] a series of advertisements and a program in response to a subscriber's ordering of the program, e.g., a movie."

Second, the Examiner acknowledges that Swix does not disclose "generating reports related to the use of advertising for communication to the originators," but says that Dedrick discloses "that the client system is able to monitor the consumption of advertisements by the users and provide this data back to the advertisers. (See Dedrick column 9 lines 28-48)" However, even if one were motivated to combine Swix and Dedrick, the cited portion of Dedrick describes "[compiling] electronic content-specific information for return to the metering server 14." Dedrick does not describe or suggest that this information is provided to the "pulblisher/advertiser 18," or other originators of the content.

Dependent claims

The dependent claims are allowable for at least the reasons as those set forth above for the independent claims upon which they respectively depend.

The fact that the Applicant has not made additional comments does not imply that there are not other good reasons for the patentability of the pending claims and additional claims. Also, the Applicant does not necessarily agree with positions taken in the Office Action, for example, related to the teaching of specific references or the grounds for combining multiple references.
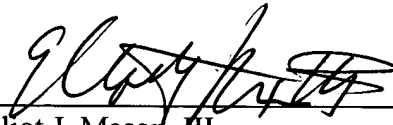
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